



# Federal Register

---

**Monday,  
May 14, 2001**

---

**Part XXXVII**

## **Office of Personnel Management**

---

**Semiannual Regulatory Agenda**

## OFFICE OF PERSONNEL MANAGEMENT (OPM)

OFFICE OF PERSONNEL  
MANAGEMENT

## 5 CFR Ch. I

## Regulatory Agenda

**AGENCY:** Office of Personnel Management.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The following Office of Personnel Management (OPM) regulations are scheduled for

development or review from April 1, 2001 through March 31, 2002. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12866 "Regulatory Planning and Review" and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. The

timetable for next actions is subject to the provisions of the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," as published in the **Federal Register** on January 24, 2001.

**FOR FURTHER INFORMATION CONTACT:**  
Jacqueline D. Carter, (202) 606-1973.

U.S. Office of Personnel Management.  
**Steven R. Cohen,**  
*Acting Director.*

## Office of Personnel Management—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3768	Availability of Official Information .....	3206-AG92

## Office of Personnel Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3769	Excepted Service-Schedule A Authority for Nontemporary Part-Time or Intermittent Positions .....	3206-AJ06
3770	Employment in the Excepted Service .....	3206-AH83
3771	Career and Career-Conditional Appointment Under Special Authorities .....	3206-AG90
3772	Noncompetitive Appointments of Corporation for National and Community Service Employees .....	3206-AH48
3773	Noncompetitive Appointment of Former Peace Corps and Vista Volunteers .....	3206-AI18
3774	Probation on Initial Appointment to a Competitive Position .....	3206-AI47
3775	Merit Promotion and Internal Placement .....	3206-AI20
3776	Clarification of Hiring Authorities .....	3206-AI46
3777	Amendment to Selective Service Registration Requirements .....	3206-AI52
3778	Other Than Full-Time Employment (Part-Time, Seasonal, Intermittent) .....	3206-AI22
3779	Order of Release From Competitive Level .....	3206-AI96
3780	Re-Employment Rights .....	3206-AI19
3781	Training .....	3206-AJ19
3782	Classification Appeals of General Schedule Employees .....	3206-AH38
3783	Superior Qualifications Appointments .....	3206-AI00
3784	Job Grading Reviews and Appeals of Federal Wage System Employees .....	3206-AI14
3785	Pay Administration Under the Fair Labor Standards Act (FLSA) .....	3206-AI15
3786	Reemployment of Military and Civilian Retirees To Meet Exceptional Employment Needs .....	3206-AI32
3787	Cost-of-Living Allowances (Nonforeign Areas); Revised COLA Regulations Pursuant to Settlement of Litigation .....	3206-AJ27
3788	Miscellaneous Leave Regulations .....	3206-AI44
3789	Retirement; Credit for Military Service .....	3206-AG58
3790	Retirement; Service Credit .....	3206-AH37
3791	Retirement; Debt Collection .....	3206-AE72
3792	Retirement; Court Orders Awarding Survivor Annuities; Correcting or Supplementing the First Order Dividing Marital Property .....	3206-AG28
3793	Retirement; FERS Elections of Coverage .....	3206-AG96
3794	Federal Employees' Health Benefits Program: Waiver of Five Year Requirement for Continuing FEHB Coverage Into Retirement .....	3206-AI62
3795	Debarments and Suspensions of Health Care Providers From the Federal Employees' Health Benefits Program ....	3206-AD76
3796	Federal Employees' Group Life Insurance Federal Acquisition Regulation .....	3206-AI65
3797	Federal Employees' Health Benefits Acquisition Regulation .....	3206-AJ25
3798	Federal Employees' Health Benefits Acquisition Regulation: Large Provider Agreements, Subcontracts, and Miscellaneous Changes .....	3206-AJ20
3799	Implementation of the Cost Accounting Standards in the Federal Employees' Health Benefits Program .....	3206-AJ10

## OPM

## Office of Personnel Management—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3800	Excepted Service Promotion and Internal Placement .....	3206-AI51
3801	Excepted Service; Career and Career-Conditional Employment .....	3206-AJ28
3802	Time-in-Grade Restrictions .....	3206-AG06
3803	Promotion and Internal Placement; Accelerated Qualifications .....	3206-AG19
3804	Interagency Placement Program .....	3206-AI24
3805	Reasonable Accommodation Language for Vacancy Announcements .....	3206-AJ11
3806	Placement Assistance and Reduction in Force .....	3206-AJ18
3807	Reduction in Force Retreat Rights .....	3206-AJ14
3808	Official Duty Station Determinations for Pay Purposes .....	3206-AH84
3809	Locality-Based Comparability Payments .....	3206-AI81
3810	Holidays and Premium Pay .....	3206-AH86
3811	Grade and Pay Retention .....	3206-AI88
3812	Repayment of Student Loans .....	3206-AJ33
3813	Firefighter Pay .....	3206-AI50
3814	Pretax Allotments for Health Insurance Premiums .....	3206-AJ16
3815	Repeal of Dual Compensation Reduction for Military Retirees .....	3206-AI92
3816	Recruitment and Relocation Bonuses and Retention Allowances .....	3206-AJ08
3817	Voluntary Separation Incentive Repayment Waivers .....	3206-AG20
3818	Cost-of-Living Allowances (Nonforeign Areas); Guam and the Commonwealth of the Northern Mariana Islands .....	3206-AJ15
3819	Cost-of-Living Allowances (Nonforeign Areas); Interim COLA Rate Increases Pursuant to Settlement of Litigation ..	3206-AJ26
3820	Retirement Coverage for the District of Columbia Financial Control Board Employees .....	3206-AG78
3821	Retirement; Coverage-Nonappropriated Fund Instrumentalities .....	3206-AH57
3822	Coverage for Certain Employees of the District of Columbia .....	3206-AI02
3823	Retirement, Health, and Life Insurance Coverage for Certain Employees of the District of Columbia Under the District of Columbia Courts and Justice Technical Corrections Act of 1998 .....	3206-AI55
3824	Retirement; Law Enforcement Officers and Firefighters .....	3206-AI41
3825	Retirement; State Income Tax Withholding Instrumentalities .....	3206-AH62
3826	Correction of Retirement Coverage Errors Under the Federal Erroneous Retirement Coverage Correction Act .....	3206-AJ38
3827	Retirement; General Administration .....	3206-AI83
3828	Retirement; FERS Basic Annuity .....	3206-AE73
3829	Federal Employees' Group Life Insurance Program: Miscellaneous Changes and Clarifications and Plain Language Rewrite .....	3206-AG63
3830	Federal Employees' Group Life Insurance Program: Life Insurance Improvements .....	3206-AI64
3831	Federal Employees' Health Benefits Program: Payment of Premiums for Periods of Leave Without Pay or Insufficient Pay .....	3206-AG66
3832	Federal Employees' Health Benefits Program: Effective Dates .....	3206-AI37
3833	Implementation of Premium Conversion for Executive Branch Federal Employees Participating in the Federal Employees' Health Benefits (FEHB) Program .....	3206-AJ17

## Office of Personnel Management—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3834	Federal Employment Priority Consideration for the District of Columbia Employees .....	3206-AI28
3835	Reemployment Priority List .....	3206-AI34
3836	Performance Management Reform Initiatives .....	3206-AF57
3837	Personnel Security and Related Programs .....	3206-AC21
3838	Investigations .....	3206-AB92

## Office of Personnel Management—Completed Actions

Sequence Number	Title	Regulation Identification Number
3839	Personnel Records .....	3206-AH24
3840	Intergovernmental Personnel Act (IPA) Mobility Program .....	3206-AJ29

## OPM

## Office of Personnel Management—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
3841	Locality Pay Areas for 2001 .....	3206-AJ07
3842	Prevailing Rate Systems; Miscellaneous Changes to Certain Federal Wage System Wage Areas .....	3206-AJ21
3843	Prevailing Rate Systems; Abolishment of the Philadelphia, Pennsylvania (PA), Special Wage Schedule for Printing Positions .....	3206-AJ22
3844	Prevailing Rate Systems; Redefinition of the Los Angeles, California (CA), Appropriated Fund Wage Area .....	3206-AJ23
3845	Abolishment of the St. Louis, Missouri (MO), Appropriated Fund, Printing and Lithographic Special Schedule .....	3206-AJ24
3846	Repayment of Student Loans .....	3206-AJ12
3847	Severance Pay: Miscellaneous .....	3206-AH12
3848	Suitability .....	3206-AC19
3849	Federal Employees' Health and Counseling Programs .....	3206-AI07
3850	Appointment, Pay, and Removal of Administrative Law Judges .....	3206-AI08

## OFFICE OF PERSONNEL MANAGEMENT (OPM)

## Prerule Stage

**3768. AVAILABILITY OF OFFICIAL INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552, Freedom of Information Act**CFR Citation:** 5 CFR 294**Legal Deadline:** None

**Abstract:** The proposed rulemaking will make minor changes to subparts A, B, C, D, E, F and G of 5 CFR 294, Availability of Official Information. The rulemaking will provide additional information on the definition of terms used in the search and review process, update office addresses, use plain language and clarify that any written

request that meets the specified marking and content requirements will be recognized as an official FOIA request. These changes are designed to benefit the public by providing updated information on where to direct FOIA requests, and improve the wording of the regulation to fully and accurately meet the provisions of the FOIA. There will be no significant change to the existing operational procedures in place at OPM.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/00/01	
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Mary Beth Smith-Toomey, Office of the Chief Information Officer, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415-7900  
Phone: 202 606-8358  
Fax: 202 606-3251  
Email: mbtoomey@opm.gov

**RIN:** 3206-AG92

## OFFICE OF PERSONNEL MANAGEMENT (OPM)

## Proposed Rule Stage

**3769. EXCEPTED SERVICE-SCHEDULE A AUTHORITY FOR NONTEMPORARY PART-TIME OR INTERMITTENT POSITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3301; 5 USC 3307**CFR Citation:** 5 CFR 213**Legal Deadline:** None

**Abstract:** The Office of Personnel Management proposes to revoke the Schedule A excepted Service appointing authority for nontemporary part-time or intermittent positions for which total annual compensation does not exceed 40 percent of GS-3, step 1,

because the conditions justifying the original exception no longer exist.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Janice Reid, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415

Phone: 202 606-0830

**RIN:** 3206-AJ06**3770. EMPLOYMENT IN THE EXCEPTED SERVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 8151; EO 10577**CFR Citation:** 5 CFR 302**Legal Deadline:** None

**Abstract:** The revised regulations will make it easier for agencies to understand how to run the excepted service employment system, and thus

## OPM

## Proposed Rule Stage

create better and more efficient employment procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tina Vay, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0390

**RIN:** 3206-AH83

### 3771. CAREER AND CAREER-CONDITIONAL APPOINTMENT UNDER SPECIAL AUTHORITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 1302; 22 USC 2506; 22 USC 3651; 22 USC 3652; 5 USC 3301; 5 USC 3302; 5 USC 3304(d); 5 USC 8151; EO 11219; EO 10577; EO 12034; EO 12721

**CFR Citation:** 5 CFR 315

**Legal Deadline:** None

**Abstract:** Revises a group of special appointment authorities to clarify requirements and to eliminate obsolete provisions. Also adds authorities for specific noncompetitive appointments authorities by law.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Janice Reid, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0830

**RIN:** 3206-AG90

### 3772. NONCOMPETITIVE APPOINTMENTS OF CORPORATION FOR NATIONAL AND COMMUNITY SERVICE EMPLOYEES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 12651f

**CFR Citation:** 5 CFR 315; 5 CFR 316

**Legal Deadline:** None

**Abstract:** Permits permanent and indefinite employees of the Corporation for National and Community Service to receive noncompetitive appointments in the competitive service. Implements the National and Community Service Trust Act of 1993.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Janice Reid, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0830

**RIN:** 3206-AH48

### 3773. NONCOMPETITIVE APPOINTMENT OF FORMER PEACE CORPS AND VISTA VOLUNTEERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** EO 11103; 42 USC 5055

**CFR Citation:** 5 CFR 315

**Legal Deadline:** None

**Abstract:** Updates authority that grants former Peace Corps and Vista volunteers an eligibility for noncompetitive appointment to the Federal Competitive Service. Eliminates reference to the abolished ACTION agency.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Janice Reid, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0830

**RIN:** 3206-AI18

### 3774. PROBATION ON INITIAL APPOINTMENT TO A COMPETITIVE POSITION

**Priority:** Other Significant

**Legal Authority:** 5 USC 3321

**CFR Citation:** 5 CFR 315, subpart H

**Legal Deadline:** None

**Abstract:** This regulation will permit agencies to use a competitive service probationary period of up to 3 years, when the work of the position cannot be properly evaluated in only 1 year. It will also establish one year as the minimum probationary period.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Raleigh M. Neville, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0023

**RIN:** 3206-AI47

### 3775. MERIT PROMOTION AND INTERNAL PLACEMENT

**Priority:** Other Significant

**Legal Authority:** 5 USC 3301; 5 USC 3302

**CFR Citation:** 5 CFR 316; 5 CFR 335

**Legal Deadline:** None

**Abstract:** In an effort to streamline selection procedures and provide agencies with greater flexibility, the Office of Personnel Management (OPM) is proposing to revise the regulations covering merit promotion and internal placement. These regulations will provide a framework within which agencies may develop merit-based programs for internal selections.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Jacobs, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830

## OPM

## Proposed Rule Stage

Fax: 202 606-0023

RIN: 3206-AI20

**3776. CLARIFICATION OF HIRING AUTHORITIES****Priority:** Other Significant**Legal Authority:** 5 USC 3301; 5 USC 3302**CFR Citation:** 5 CFR 330; 5 CFR 332; 5 CFR 333; 5 CFR 337**Legal Deadline:** None

**Abstract:** In an effort to consolidate and streamline existing hiring authorities and to clarify existing competitive examining authorities, the Office of Personnel Management is proposing to revise the regulations covering the operation and administration of these authorities.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Raleigh M. Neville, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0023

RIN: 3206-AI46

**3777. AMENDMENT TO SELECTIVE SERVICE REGISTRATION REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3328**CFR Citation:** 5 CFR 300**Legal Deadline:** None

**Abstract:** Delegates to agencies' determination whether a Federal job applicant's failure to register with the Selective Service was knowing and willful. This change is authorized by an amendment to 5 U.S.C. 3328.

**Timetable:**

Action	Date	FR Cite
NPRM	03/29/99	64 FR 14842
NPRM Comment Period End	04/28/99	
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Janice Reid, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0830

RIN: 3206-AI52

**3778. OTHER THAN FULL-TIME EMPLOYMENT (PART-TIME, SEASONAL, INTERMITTENT)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3301**CFR Citation:** 5 CFR 340; 5 CFR 110**Legal Deadline:** None

**Abstract:** Grants agencies and employees more flexibility by clarifying agency authority to schedule part-time employees on a pay period, rather than weekly, basis; defines job sharing; modifies seasonal employment.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Diane Tyrrell, Employment Service, Staffing Policy Division, Office of Personnel Management, 9th Floor, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0023

RIN: 3206-AI22

**3779. ORDER OF RELEASE FROM COMPETITIVE LEVEL****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 1302; 5 USC 3502; 5 USC 3503**CFR Citation:** 5 CFR 351**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is proposing retention regulations covering the order in which agencies release competing employees from their competitive levels in a reduction in force.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Thomas A. Glennon, Employment Service, Workforce Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0960  
Fax: 202 606-2329

RIN: 3206-AI96

**3780. RE-EMPLOYMENT RIGHTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3582; 5 USC 3301; PL 103-296**CFR Citation:** 5 CFR 352**Legal Deadline:** None

**Abstract:** Updates provisions to conform to law allowing employees assigned to international organizations under certain conditions to maintain FERS and FICA retirement coverage; current regulations only mention CSRS retirement.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Mike Mahoney, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0023

RIN: 3206-AI19

**3781. TRAINING****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 4118**CFR Citation:** 5 CFR 410**Legal Deadline:** None

**Abstract:** Since the December 1996 publication of the final rules on training, subsections 5 CFR 410.309 (continued service agreements) and 5 CFR 410.404 (expenses of training and

## OPM

## Proposed Rule Stage

meetings) have caused confusion in agencies, the agencies have asked for clearer regulations. 5 CFR 410.309, as written, omits allowance for agency heads to delegate authority to define requirements for continued service. It also omits circumstances when the requirement for continued service can be waived, which has caused confusion for agencies in developing their continued service agreements. Amending 5 CFR 410.309 returns to regulation, language removed in 1996 that has had the unintended effect of limiting agency head authority in the area of continued service agreements for training. With increasing interest in academic education and service agreements, agencies have expressed concern about their legal authority with regard to these agreements.

As written, 5 CFR 410.404 does not sufficiently clarify distinctions between training and meetings. 5 U.S.C. 4109 provides agencies authority to pay the expenses of training. 5 U.S.C. 4110 provides them authority to pay the expenses of meetings. However, 5 CFR 410.404 blurs the distinctions between these two; amending it would make clear the distinctions, and clarify conditions under which a meeting may be considered training.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** LaVeen Ponds, Office of Workforce Relations, Office of Personnel Management, Office of Human Resource Development, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-1394  
Email: lmponds@opm.gov

**RIN:** 3206-AJ19**3782. CLASSIFICATION APPEALS OF GENERAL SCHEDULE EMPLOYEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5112

**CFR Citation:** 5 CFR 511, subpart A; 5 CFR 511, subpart F; 5 CFR 511, subpart G

**Legal Deadline:** None

**Abstract:** The position classification appeals regulations require updating to

reflect current organizational nomenclature following a reorganization within OPM.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
NPRM Comment	08/00/01	
Period End		
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Melissa Drummond, Office of Merit Systems Oversight and Effectiveness, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-2530  
Fax: 202 606-2663  
Email: madrummo@opm.gov

**RIN:** 3206-AH38**3783. SUPERIOR QUALIFICATIONS APPOINTMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5333**CFR Citation:** 5 CFR 531**Legal Deadline:** None

**Abstract:** Revises regulations concerning the appointment of superior candidates above the minimum rate of pay for General Schedule positions. Clarifies and modifies what agencies should consider when making these superior qualifications appointments.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Tina Vay, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0390

**RIN:** 3206-AI00**3784. JOB GRADING REVIEWS AND APPEALS OF FEDERAL WAGE SYSTEM EMPLOYEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5346**CFR Citation:** 5 CFR 532, subpart G**Legal Deadline:** None

**Abstract:** The job grading reviews and appeals regulations require updating to reflect current organizational nomenclature following a reorganization within OPM.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
NPRM Comment	08/00/01	
Period End		
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Melissa Drummond, Office of Merit Systems Oversight and Effectiveness, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-2530  
Fax: 202 606-2663  
Email: madrummo@opm.gov

**RIN:** 3206-AI14**3785. PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT (FLSA)****Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 204(f)

**CFR Citation:** 5 CFR 551, subpart A; 5 CFR 551, subpart B; 5 CFR 551, subpart C

**Legal Deadline:** None

**Abstract:** The FLSA regulations require revision to correct minor inconsistencies in terminology and phrasing, one incomplete citation, and one incorrect reference.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/01	
NPRM Comment	10/00/01	
Period End		
Final Action	02/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Melissa Drummond, Office of Merit Systems Oversight and Effectiveness, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415

## OPM

## Proposed Rule Stage

Phone: 202 606-2530  
Fax: 202 606-2663  
Email: madrummo@opm.gov  
RIN: 3206-AI15

**3786. REEMPLOYMENT OF MILITARY AND CIVILIAN RETIREES TO MEET EXCEPTIONAL EMPLOYMENT NEEDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8344; 5 USC 8468

**CFR Citation:** 5 CFR 553

**Legal Deadline:** None

**Abstract:** Establishes new criteria for granting exceptions for key positions in temporary organizations established by law or Executive order. This rule will also expand and clarify the criteria used in exercising this authority.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Larry Lorenz, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0830

RIN: 3206-AI32

**3787. COST-OF-LIVING ALLOWANCES (NONFOREIGN AREAS); REVISED COLA REGULATIONS PURSUANT TO SETTLEMENT OF LITIGATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5941

**CFR Citation:** 5 CFR 591

**Legal Deadline:** None

**Abstract:** As a result of a court-approved settlement of Caraballo, et al. v. United States, No. 1997-0027 (D.V.I.), the Office of Personnel Management will publish revised regulations, pursuant to the terms of the settlement, to implement the changes in the methodology used to compute nonforeign area cost-of-living allowances.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Chenty Carpenter, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-2838

Fax: 202 606-4264

Email: cola@opm.gov

RIN: 3206-AJ27

**3788. MISCELLANEOUS LEAVE REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 6311

**CFR Citation:** 5 CFR 630

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is proposing miscellaneous changes to the leave, regulations in 5 CFR part 630. The proposed changes will include clarifying provisions on the Federal leave sharing program, home leave and transfer of leave from/to the U.S. Postal Service; updating regulations to comply with new legislation requiring a lump-sum payment for annual leave for employees transferring from a Department of Defense base that is closing to another position; clarifying leave entitlements for employees who are under 90-day appointments or assigned part-time and intermittent work schedules; and other miscellaneous changes.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sharon Herzberg, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-2858

Fax: 202 606-0824

Email: payleave@opm.gov

RIN: 3206-AI44

**3789. RETIREMENT; CREDIT FOR MILITARY SERVICE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347(a); 5 USC 8461(g); 38 USC 4331

**CFR Citation:** 5 CFR 8347(a); 5 CFR 8461(g); 5 CFR 842.306; 5 CFR 842.307

**Legal Deadline:** None

**Abstract:** These regulations implement changes in the treatment of certain military service under CSRS and FERS required under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	11/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Christopher H. Ziebarth, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0299

Email: combox@opm.gov

RIN: 3206-AG58

**3790. RETIREMENT; SERVICE CREDIT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347

**CFR Citation:** 5 CFR 831, subpart C

**Legal Deadline:** None

**Abstract:** These regulations would provide that no retirement credit could be granted for periods of service for which retirement deductions were refunded and not repaid even when the refund was paid based on an erroneous separation.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/01	
Final Action	04/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Patricia A. Rochester, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0299



## OPM

## Proposed Rule Stage

Email: combox@opm.gov

RIN: 3206-AH37

### 3791. RETIREMENT; DEBT COLLECTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347; 5 USC 8461

**CFR Citation:** 5 CFR 835(e)

**Legal Deadline:** None

**Abstract:** These regulations will amend the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) regulations by consolidating and updating existing regulations in three different subparts of the CSRS regulations and 5 CFR 845 in the FERS regulations to eliminate duplication of the provisions governing debt collection. This item is for subpart E of the new part 835, which will address collections of Government claims from payments made by OPM.

#### Timetable:

Action	Date	FR Cite
NPRM	10/05/92	57 FR 45753
NPRM	08/00/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Patricia A. Rochester, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

RIN: 3206-AE72

### 3792. RETIREMENT; COURT ORDERS AWARDING SURVIVOR ANNUITIES; CORRECTING OR SUPPLEMENTING THE FIRST ORDER DIVIDING MARITAL PROPERTY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347; 5 USC 8461

**CFR Citation:** 5 CFR 838

**Legal Deadline:** None

**Abstract:** These regulations would establish standards for determining which supplemental or correcting court orders are not "modifications" and the procedures applicable to such orders. They also provide for the continuation

of the former spouse's survivor coverage and the reduction in the retiree's annuity until the State court decides the extent of the former spouse's rights to retirement benefits.

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/01	
Final Action	03/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** John Panagakos, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

RIN: 3206-AG28

### 3793. RETIREMENT; FERS ELECTIONS OF COVERAGE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347(a); 5 USC 8461(g); PL 99-335, sec 301(d)(3)

**CFR Citation:** 5 CFR 846

**Legal Deadline:** None

**Abstract:** These regulations implement title III of the Federal Employees Retirement System (FERS) Act of 1986, as amended, dealing with the election of FERS coverage by employees under the Civil Service Retirement System and certain other employees. The regulations contain regulatory and interpretative rules concerning employees' eligibility to elect FERS coverage, procedures for electing FERS coverage, and basic benefits based on the service for employees who elect FERS coverage.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/87	52 FR 19235
Interim Final Rule	09/13/93	58 FR 47821
Interim Final Rule	06/18/98	63 FR 33231
NPRM	05/00/01	
Final Action	11/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cynthia Reinhold, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415

Phone: 202 606-0299

Email: combox@opm.gov

RIN: 3206-AG96

### 3794. FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM: WAIVER OF FIVE YEAR REQUIREMENT FOR CONTINUING FEHB COVERAGE INTO RETIREMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8913

**CFR Citation:** 5 CFR 890

**Legal Deadline:** None

**Abstract:** This proposed regulation would broaden OPM's authority to waive the participation requirements for continuing health benefits coverage into retirement when it is to the advantage of the Government to do so.

#### Timetable:

Action	Date	FR Cite
NPRM	07/00/01	
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Terry L. Schleicher, Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, Office of Retirement and Insurance Policy, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0004  
Email: tlschlei@opm.gov

RIN: 3206-AI62

### 3795. DEBARMENTS AND SUSPENSIONS OF HEALTH CARE PROVIDERS FROM THE FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8902a

**CFR Citation:** 5 CFR 890, subpart J

**Legal Deadline:** None

**Abstract:** These regulations will implement section 2 of Public Law 105-266, which amends 5 U.S.C. section 8902a authorizing OPM to debar health care providers who have committed certain types of legal offenses or program-related violations from participation in the Federal Employees' Health Benefits Program (FEHBP), and to levy monetary penalties and

## OPM

## Proposed Rule Stage

assessments against individuals who have improperly obtained payments of FEHBP funds. This legislation removes unnecessary administrative constraints on the agency, provides more flexible and less time consuming procedures, and will improve OPM's administration of sanctions against unfit health care providers.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule NPRM	10/30/89 07/00/01	54 FR 43939

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** J. David Cope, Debarring Official, Office of the Inspector General, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415

Phone: 202 606-2851

Fax: 202 606-2153

Email: jdcope@opm.gov

RIN: 3206-AD76

**3796. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE FEDERAL ACQUISITION REGULATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8716; 40 USC 486(C)

**CFR Citation:** 48 CFR 1.301

**Legal Deadline:** None

**Abstract:** This proposed regulation would revise the existing Federal Employees' Group Life Insurance Federal Acquisition Regulation (LIFAR) by updating and revising policy regulation with respect to the acquisition and administration of life insurance contract(s) for Federal employees.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
Final Action	11/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Mary Ann Mercer, Retirement and Insurance Services, Insurance Policy and Information Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415

Phone: 202 606-0004

Email: mamercer@opm.gov

RIN: 3206-AI65

**3797. FEDERAL EMPLOYEES' HEALTH BENEFITS ACQUISITION REGULATION**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 8913; 40 USC 486(C); 48 CFR 1.301

**CFR Citation:** 5 CFR 1601; 5 CFR 1652

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is proposing a new policy stipulating that the effective date of regulatory changes is the date specified in published regulations. The new clause also provides that if the carrier does not want to continue participation in the Federal Employees' Health Benefits (FEHB) Program because of a regulatory change, the Contracting Officer will waive the 60-day written notice requirement for nonrenewal of contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Mary Ann Mercer, Retirement and Insurance Services, Insurance Policy and Information Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0004  
Email: mamercer@opm.gov

RIN: 3206-AJ25

**3798. FEDERAL EMPLOYEES' HEALTH BENEFITS ACQUISITION REGULATION: LARGE PROVIDER AGREEMENTS, SUBCONTRACTS, AND MISCELLANEOUS CHANGES**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 8913; 40 USC 486(c); 48 CFR 1.301

**CFR Citation:** 48 CFR 1602; 48 CFR 1604; 48 CFR 1615

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) is issuing a proposed regulation to amend the Federal Employees' Health Benefits Acquisition Regulation (FEHBAR). OPM is proposing a new policy that establishes notification and information requirements, including audit, for Federal Employees' Health Benefits (FEHB) experience rated carriers' large provider agreements. These requirements apply if carriers' provider agreements are expected to exceed 10 percent of the carrier's total FEHB benefits costs for the prior contract year. The proposed regulation also revises the threshold for advance approval of carrier subcontracts.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Mary Ann Mercer, Retirement and Insurance Services, Insurance Policy and Information Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0004  
Email: mamercer@opm.gov

RIN: 3206-AJ20

**3799. IMPLEMENTATION OF THE COST ACCOUNTING STANDARDS IN THE FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8913; 40 USC 486(c); 48 CFR 1.301

**CFR Citation:** 48 CFR 1630; 48 CFR 1631; 48 CFR 1652

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is proposing a regulation that would inform experience-rated carriers in the Federal Employees' Health Benefits Program how it intends to implement the Cost Accounting Standards at chapter 1, part 30, and 48 U.S.C. chapter 99.

## OPM

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mary Ann Mercer, Retirement and Insurance Service, Insurance Policy and Information Division, Office of Personnel

Management, Office of Insurance Programs, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0004  
Email: mamercher@opm.gov

**RIN:** 3206-AJ10

## OFFICE OF PERSONNEL MANAGEMENT (OPM)

## Final Rule Stage

**3800. EXCEPTED SERVICE PROMOTION AND INTERNAL PLACEMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3301; 5 USC 3302; PL 105-339

**CFR Citation:** 5 CFR 213; 5 CFR 335

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management will issue final regulations implementing the provisions of the Veterans Employment Opportunities Act of 1998.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/03/98	63 FR 66705
Final Action	09/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Jacobs, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0023

**RIN:** 3206-AI51

**3801. EXCEPTED SERVICE; CAREER AND CAREER-CONDITIONAL EMPLOYMENT**

**Priority:** Other Significant

**Legal Authority:** EO 13162

**CFR Citation:** 5 CFR 213; 5 CFR 315

**Legal Deadline:** None

**Abstract:** These regulations implement Executive Order 13162, which establishes the Federal Career Intern Program. This program will be used to attract exceptional men and women to the Federal workforce who have diverse professional experiences, academic training, or competencies and prepare

them for careers in analyzing and implementing public programs.

This regulation supports the Administration's effort to recruit the highest caliber people to the Federal Government, develop their professional abilities, and retain them in Federal departments and agencies.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/14/00	65 FR 78077
Interim Final Rule Effective	12/14/00	
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Jacobs, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0023

**RIN:** 3206-AJ28

**3802. TIME-IN-GRADE RESTRICTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3301; 5 USC 3302; EO 10577

**CFR Citation:** 5 CFR 300

**Legal Deadline:** None

**Abstract:** Eliminates requirement that employees serve one year in-grade to be eligible for promotion above the GS-5 level. This is separate from the qualifications requirement for one year's experience at the next lowest grade or equivalent for promotion.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/94	59 FR 30717
NPRM Comment Period End	01/10/95	60 FR 2546
Final Action	09/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tina Vay, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0390

**RIN:** 3206-AG06

**3803. PROMOTION AND INTERNAL PLACEMENT; ACCELERATED QUALIFICATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3301; 5 USC 3302; 5 USC 3329

**CFR Citation:** 5 CFR 316; 5 CFR 335; 5 CFR 338

**Legal Deadline:** None

**Abstract:** OPM will issue final regulations on Accelerated Qualifications only to authorize agencies to establish intensive training programs for acquiring qualifications at an accelerated rate.

**Timetable:**

Action	Date	FR Cite
NPRM	02/20/96	61 FR 6324
Final Action	09/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Jacobs, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0023

**RIN:** 3206-AG19

## OPM

## Final Rule Stage

**3804. INTERAGENCY PLACEMENT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 1302; 5 USC 3310; 5 USC 3315**CFR Citation:** 5 CFR 330; 5 CFR 351; 5 CFR 332**Legal Deadline:** None**Abstract:** Implemented Interagency Placement Program, which superseded the Displaced Employee Program and Interagency Placement Program.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/27/94	59 FR 32871
Final Action	09/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Jacqueline Yeatman, Employment Service, Workforce Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0960  
Fax: 202 606-2329**RIN:** 3206-AI24**3805. REASONABLE ACCOMMODATION LANGUAGE FOR VACANCY ANNOUNCEMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3304(f); 5 USC 3327; ...**CFR Citation:** 5 CFR 302; 5 CFR 317; 5 CFR 330; 5 CFR 333; 5 CFR 335**Legal Deadline:** None**Abstract:** The Office of Personnel Management is publishing interim regulations requiring a reasonable accommodation statement in agency vacancy announcements.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Elnora Wright, Employment Service, Service Delivery Operations and Systems, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-1248**RIN:** 3206-AJ11**3806. PLACEMENT ASSISTANCE AND REDUCTION IN FORCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3502**CFR Citation:** 5 CFR 330; 5 CFR 351**Legal Deadline:** None**Abstract:** Interim regulations that delete references to the repealed Job Training Partnership Act and replace it with references to the new Workforce Investment Act of 1998.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/29/00	65 FR 64133
Interim Final Rule Effective	11/27/00	
Final Action	07/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Pam Galemore, Employment Service, Office of Personnel Management, Workforce Restructuring Policy Division, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0960  
Fax: 202 606-2329**RIN:** 3206-AJ18**3807. REDUCTION IN FORCE RETREAT RIGHTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3502; 5 USC 3503**CFR Citation:** 5 CFR 351**Legal Deadline:** None**Abstract:** Interim regulations that clarify a released employee's right to retreat to another position in a reduction in force.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/20/00	65 FR 62991
Interim Final Rule Effective	10/20/00	
Final Action	07/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Thomas A. Glennon, Employment Service, Workforce Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415

Phone: 202 606-0960

Fax: 202 606-2329

**RIN:** 3206-AJ14**3808. OFFICIAL DUTY STATION DETERMINATIONS FOR PAY PURPOSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5305; 5 USC 5304; 5 USC 5941; EO 10000; PL 101-509, sec 404**CFR Citation:** 5 CFR 530; 5 CFR 531; 5 CFR 591**Legal Deadline:** None**Abstract:** These regulations clarify the location-based pay entitlements of Federal employees who are detailed or temporarily assigned to work at a new location. In particular, the regulations provide that for employees receiving limited relocation allowances under 5 U.S.C. 5737 during temporary assignments, the new location is the official duty station for pay purposes.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/09/97	62 FR 25423
Interim Final Rule Comment Period End	07/08/97	
Final Action	11/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2858  
Fax: 202 606-0824  
Email: payleave@opm.gov**RIN:** 3206-AH84**3809. LOCALITY-BASED COMPARABILITY PAYMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5304**CFR Citation:** 5 CFR 531, subpart F**Legal Deadline:** None**Abstract:** The Office of Personnel Management is issuing proposed regulations to clarify and redefine the limitations on locality rates of pay for

## OPM

## Final Rule Stage

categories of non-General Schedule employees approved by the President's Pay Agent to receive locality pay. This proposed change was prompted by a recent Executive order that delegated the President's authority to determine such limitations to the President's Pay Agent. The proposed regulations will ensure that all employees receiving locality pay are treated consistently.

**Timetable:**

Action	Date	FR Cite
NPRM	03/24/00	65 FR 15875
NPRM Comment Period End	05/23/00	
Final Action	07/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2858  
Fax: 202 606-0824  
Email: payleave@opm.gov

**RIN:** 3206-AI81**3810. HOLIDAYS AND PREMIUM PAY****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5548; 5 USC 6133; 29 USC 204(f)**CFR Citation:** 5 CFR 532; 5 CFR 550; 5 CFR 551; 5 CFR 610**Legal Deadline:** None

**Abstract:** The regulations implement changes in law that provide: (1) authority for compensatory time off for prevailing rate (wage) employees in lieu of overtime pay; and (2) agency flexibility in determining the "in lieu of" holiday for employees on compressed work schedules when the actual holiday for the employee is on a nonworkday. A current regulation is also corrected to comply with a provision of law authorizing use of alternative work schedules for civilian nonappropriated fund employees of the armed services.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/23/97	62 FR 28305
Final Action	09/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** James R. Weddel, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-2858  
Fax: 202 606-0824  
Email: payleave@opm.gov

**RIN:** 3206-AH86**3811. GRADE AND PAY RETENTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5361; 5 USC 5366**CFR Citation:** 5 CFR 536**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing proposed regulations giving agencies discretionary authority to grant pay retention to certain employees moving to positions under pay systems other than the General Schedule or the Federal Wage System. This new flexibility would allow agencies to prevent eligible employees from suffering a reduction in pay that would otherwise result from a management action.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/00	65 FR 33785
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sharon Herzberg, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-2858  
Fax: 202 606-0824  
Email: payleave@opm.gov

**RIN:** 3206-AI88**3812. • REPAYMENT OF STUDENT LOANS****Priority:** Other Significant**Legal Authority:** 5 USC 5379; PL 106-398**CFR Citation:** 5 CFR 537**Legal Deadline:** None

**Abstract:** These regulations amend part 537 of Title 5, Code of Federal Regulations, entitled Repayment of Student Loans, Published in the "Federal Register" on January 11, 2001 (66FR 2790). These provisions give agencies greater recruiting and retention flexibility by; removing the restriction of this incentive to professional, technical, or administrative personnel; removing the limitation of this incentive to employees covered under General Schedule pay rates; and broadening the types of loans which qualify under this part under the Higher Education Act of 1965 and the Public Health Service Act; requiring agencies to report annually to OPM on their use of this incentive.

In addition, these provisions require OPM to report annually to Congress on agencies' use of this incentive. These regulations reflect the amendments to 5 U.S.C. 5379 (the authorizing statute for Repayment of Student Loans) contained in Public Law 106-398, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

**Timetable:**

Action	Date	FR Cite
NPRM	03/16/01	66 FR 15202
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Mike Mahoney, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0023

**RIN:** 3206-AJ33**3813. FIREFIGHTER PAY****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5545b

## OPM

## Final Rule Stage

**CFR Citation:** 5 CFR 410; 5 CFR 550; 5 CFR 551; 5 CFR 591; 5 CFR 630; 5 CFR 870

**Legal Deadline:** None

**Abstract:** These regulation implement a 1998 law that changed the pay computation rules for GS-081 firefighters with regular tours of duty averaging at least 53 hours per week. Section 628 of the Treasury and General Government Appropriations Act of 1999, as incorporated in section 101(h) of Public Law 105-272, October 21, 1998.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/23/98	63 FR 64589
Interim Final Rule Comment Period End	01/22/99	
Final Action	11/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sharon Herzberg, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-2858  
Fax: 202 606-0824  
Email: payleave@opm.gov

**RIN:** 3206-AI50

**3814. PRETAX ALLOTMENTS FOR HEALTH INSURANCE PREMIUMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5527

**CFR Citation:** 5 CFR 550, subpart C

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing interim regulations to enable employees to pay Federal Employees' Health Benefits (FEHB) premiums through an allotment from the employee's pay to the employing agency. Use of this allotment mechanism allows FEHB premiums to be paid with pre-tax dollars, as provided under section 125 of the Internal Revenue Code. These allotment regulations are connected to a separate interim rule amending the FEHB regulations to establish the premium conversion program effective October 2000.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/10/00	65 FR 44643
Interim Final Rule Effective	09/18/00	
Final Action	07/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Bryce Baker, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-2858

**RIN:** 3206-AJ16

**3815. REPEAL OF DUAL COMPENSATION REDUCTION FOR MILITARY RETIREES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8344; 5 USC 8468

**CFR Citation:** 5 CFR 553

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is publishing final regulations to implement the repeal of reduction in military retired or retainer pay required of some military retirees in civilian positions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/12/00	65 FR 19643
Interim Final Rule Effective	04/12/00	
Final Action	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Larry Lorenz, Employment Service, Staffing Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0830

**RIN:** 3206-AI92

**3816. RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES**

**Priority:** Other Significant

**Legal Authority:** 5 USC 5753; 5 USC 5754

**CFR Citation:** 5 CFR 575

**Legal Deadline:** None

**Abstract:** These proposed regulations would provide agencies with greater flexibility in the use of recruitment and relocation bonuses and retention allowances. This proposal would amend the regulations to allow agencies to pay recruitment, relocation, and retention payments to Federal Wage System employees. The proposed regulations would also provide agencies with the flexibility to pay retention allowances to employees who are likely to leave their position for other Federal employment under a different pay system under certain limited conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	01/19/01	66 FR 5491
Final Action	06/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2858  
Fax: 202 606-0824  
Email: payleave@opm.gov

**RIN:** 3206-AJ08

**3817. VOLUNTARY SEPARATION INCENTIVE REPAYMENT WAIVERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 103-226

**CFR Citation:** 5 CFR 576

**Legal Deadline:** None

**Abstract:** Public Law 103-226 authorized OPM to waive repayment of a voluntary separation incentive payment under certain circumstances if a former employee, who accepted the incentive payment, is reemployed by an executive agency of the United States within five years of separation. Later

## OPM

## Final Rule Stage

Public Laws, written for specific agencies, usually contain a waiver of repayment provision.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/09/94	59 FR 55808
Final Action	09/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Charles Gray, Employee Service, Office of Personnel Management, Workforce Restructuring Policy Division, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0960

**RIN:** 3206-AG20

**3818. COST-OF-LIVING ALLOWANCES (NONFOREIGN AREAS); GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5941

**CFR Citation:** 5 CFR 591

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is publishing regulations to increase the cost-of-living allowance (COLA) rate paid to certain Federal employees in Guam and the Commonwealth of the Northern Mariana Islands (CNMI). The regulations increase the Guam/CNMI Local Retail COLA rate from 22.5 percent to 25 percent. The increase is a result of living-cost surveys conducted in October and November 1998 using current methodologies for calculating COLA rates.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/17/00	65 FR 44101
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Chenty Carpenter, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-2838  
Fax: 202 606-4264

Email: cola@opm.gov

**RIN:** 3206-AJ15

**3819. COST-OF-LIVING ALLOWANCES (NONFOREIGN AREAS); INTERIM COLA RATE INCREASES PURSUANT TO SETTLEMENT OF LITIGATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5941

**CFR Citation:** 5 CFR 591

**Legal Deadline:** None

**Abstract:** As a result of the court-approved settlement of Carballo, et al. v. United States, No. 1997-0027 (D.V.I.), the Office of Personnel Management will publish regulations to increase on an interim basis the cost-of-living allowance (COLA) rate paid to certain Federal employees in Hawaii County, HI; Kauai County, HI; Maui County, HI; Puerto Rico; and the U.S. Virgin Islands. The increase will be effective the day of the first pay period beginning on or after October 1, 2000.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/03/00	65 FR 58901
Interim Final Rule Effective	10/01/00	
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Chenty Carpenter, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-2838  
Fax: 202 606-4264  
Email: cola@opm.gov

**RIN:** 3206-AJ26

**3820. RETIREMENT COVERAGE FOR THE DISTRICT OF COLUMBIA FINANCIAL CONTROL BOARD EMPLOYEES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 104-8

**CFR Citation:** 5 CFR 831; 5 CFR 842

**Legal Deadline:** None

**Abstract:** These regulations implement the District of Columbia Financial Responsibility and Management

Assistance Act of 1995. They establish standards by which some former Federal employees may carry civil service retirement coverage to employment with the District of Columbia Financial Control Board.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/15/96	61 FR 58457
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Jennings, Retirement and Insurance, Office of Personnel Management, Retirement Policy Center, 1900 E Street NW, Washington, DC 20415-0001  
Phone: 202 606-0299  
Email: combox@opm.gov

Mark Allen, Workforce Compensation and Performance Service, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2848  
Fax: 202 606-4264  
Email: maallen@opm.gov

**RIN:** 3206-AG78

**3821. RETIREMENT; COVERAGE-NONAPPROPRIATED FUND INSTRUMENTALITIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347

**CFR Citation:** 5 CFR 831; 5 CFR 837; 5 CFR 841; 5 CFR 842; 5 CFR 843; 5 CFR 844; 5 CFR 847

**Legal Deadline:** Final, Statutory, August 9, 1996.

**Abstract:** These regulations implement the provisions of Public Law 104-106, which allows certain employees, who have been employed by non-appropriated fund instrumentalities under the jurisdiction of the armed forces, to obtain retirement credit under limited circumstances.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/09/96	61 FR 41714
Final Action	11/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cynthia Reinhold, Retirement and Insurance Service,

## OPM

## Final Rule Stage

Retirement Policy Center, Office of  
Personnel Management, 1900 E Street  
NW, Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

RIN: 3206-AH57

### 3822. COVERAGE FOR CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347(a); 5 USC  
8361(g); PL 105-33, sec 11202(f),  
11232(e), 11246(b); PL 106-522, sec 145

**CFR Citation:** 5 CFR 831; 5 CFR 837;  
5 CFR 842; 5 CFR 846; 5 CFR 870; 5  
CFR 890

**Legal Deadline:** None

**Abstract:** These regulations implement provisions of the National Capital Revitalization and Self-Government Improvement Act of 1997, which requires that nonjudicial employees of the District of Columbia Courts, and under certain conditions, the District of Columbia Corrections Trustee and the District of Columbia Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee and their respective employees be considered Federal employees for purposes of Federal retirement, health, and life insurance coverage.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/97	62 FR 50995
Interim Final Rule Comment Period End	12/01/97	
Final Action	05/00/01	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Girouard,  
Retirement and Insurance Service,  
Retirement Policy Center, Office of  
Personnel Management, 1900 E Street  
NW, Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

RIN: 3206-AI02

### 3823. RETIREMENT, HEALTH, AND LIFE INSURANCE COVERAGE FOR CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA UNDER THE DISTRICT OF COLUMBIA COURTS AND JUSTICE TECHNICAL CORRECTIONS ACT OF 1998

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-274

**CFR Citation:** 5 CFR 831; 5 CFR 837;  
5 CFR 842; 5 CFR 846; 5 CFR 870; 5  
CFR 890

**Legal Deadline:** None

**Abstract:** These interim regulations implement the District of Columbia Courts and Justice Technical Corrections Act of 1998. The effect of these regulations is to extend Federal retirement, health insurance, and life insurance coverage to employees of the Public Defender Service of the District of Columbia under section 7 of the Act, and to exclude certain former employees of the District of Columbia, who are hired by the Department of Justice or by the Court Services and Offender Supervision Agency, from Federal retirement coverage if they elect, under section 3 of the Act, to continue their coverage under a retirement system for employees of the District of Columbia.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/99	64 FR 15286
Interim Final Rule Comment Period End	06/29/99	
Final Action	05/00/01	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Girouard,  
Retirement and Insurance Service,  
Retirement Policy Center, Office of  
Personnel Management, 1900 E Street  
NW, Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

RIN: 3206-AI55

### 3824. RETIREMENT; LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347; 5 USC  
8461; PL 106-554; PL 106-553

**CFR Citation:** 5 CFR 831, subpart I; 5  
CFR 842, subpart H

**Legal Deadline:** None

**Abstract:** These interim regulations will amend the CSRS Law Enforcement Officer and Firefighter regulations and the FERS Law Enforcement Officer, Firefighter, and Air Traffic Controller regulations governing agency and OPM law enforcement officer and firefighter retirement coverage and service credit determinations. These interim regulations will add Supreme Court Police and Certain Police Officers employed by the Metropolitan Washington Airport Authority to the Definition of law enforcement officer. These interim regulations will also clarify that the authority of an agency head to deny law enforcement officer and firefighter retirement coverage may be delegated to any level within the agency.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/01	
Final Action	12/00/01	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Jennings,  
Retirement and Insurance, Office of  
Personnel Management, Retirement  
Policy Center, 1900 E Street NW,  
Washington, DC 20415-0001  
Phone: 202 606-0299  
Email: combox@opm.gov

RIN: 3206-AI41

### 3825. RETIREMENT; STATE INCOME TAX WITHHOLDING INSTRUMENTALITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8345; 5 USC  
8347; 5 USC 8461; 5 USC 8469

**CFR Citation:** 5 CFR 831, subpart S;  
5 CFR 841, subpart J

**Legal Deadline:** None

**Abstract:** These regulations modify existing regulations to reflect changes designed to expand and streamline the process of withholding State income tax from CSRS and FERS annuities.

#### Timetable:

Action	Date	FR Cite
NPRM	06/23/99	64 FR 33429
Final Action	04/00/01	



## OPM

## Final Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Patricia A. Rochester, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AH62

### 3826. • CORRECTION OF RETIREMENT COVERAGE ERRORS UNDER THE FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTION ACT

**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-265**CFR Citation:** 5 CFR 839**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is amending its regulations to include new rules for correcting certain retirement coverage errors. We are amending the regulations to implement the provisions of the Federal Erroneous Retirement Coverage Corrections Act (the FERCCA), title II of Public Law 106-265. The regulations will allow agencies to correct affected coverage errors.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Cynthia Reinhold, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AJ38

### 3827. RETIREMENT; GENERAL ADMINISTRATION

**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 8347**CFR Citation:** 5 CFR 841**Legal Deadline:** None

**Abstract:** These regulations would allow an agency to retain the individual

retirement record when an employee transfers within the same agency even though the employee would be serviced by another intra-agency payroll.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/20/00	65 FR 21119
Interim Final Rule Effective	04/20/00	
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** John Panagakos, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AI83

### 3828. RETIREMENT; FERS BASIC ANNUITY

**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 8461**CFR Citation:** 5 CFR 842, subparts B to G**Legal Deadline:** None

**Abstract:** These final regulations will amend FERS Basic Annuity regulations governing Eligibility (subpart B), Credit for Service (subpart C), Computations (subpart F), and Alternative Forms of Annuity (subpart G). These regulations have been published at various times in interim final form, and have been affected by statutory changes.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/16/87	52 FR 2061
Interim Final Rule	01/16/87	52 FR 2067
Interim Final Rule	02/11/87	52 FR 4473
Interim Final Rule	02/11/87	52 FR 4479
Interim Final Rule	05/14/87	52 FR 18193
Interim Final Rule	04/08/88	53 FR 11635
Interim Final Rule	02/09/90	55 FR 4598
Final Rule	12/27/90	55 FR 53136
Interim Final Rule	02/19/91	56 FR 6549
Final Action	10/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** John Panagakos, Retirement and Insurance Service, Retirement Policy Center, Office of

Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AE73

### 3829. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM: MISCELLANEOUS CHANGES AND CLARIFICATIONS AND PLAIN LANGUAGE REWRITE

**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 8716**CFR Citation:** 5 CFR 870**Legal Deadline:** None

**Abstract:** These regulations include changes to FEGLI regulations that clarify procedures for signing and witnessing designations of beneficiary, accepting designations of beneficiary by facsimile, accepting DNA evidence to establish paternity, etc. We are also rewriting part 870 under the plain language initiative.

**Timetable:**

Action	Date	FR Cite
NPRM	10/27/00	65 FR 64530
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Karen Leibach, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0004  
Email: kkleibac@opm.gov

**RIN:** 3206-AG63

### 3830. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM: LIFE INSURANCE IMPROVEMENTS

**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-311**CFR Citation:** 5 CFR 870**Legal Deadline:** None

**Abstract:** These regulations implement Public Law 105-311, which makes numerous changes to the FEGLI Program, including covering foster children under Option C, increasing the amount of Option C coverage available, allowing for the election of unreduced Options B and C at retirement, allowing

## OPM

## Final Rule Stage

for direct payment of premiums when pay is insufficient for premium withholdings, and providing for a demonstration project for the portability of Option B.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/28/99	64 FR 72459
Final Action	07/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Leibach, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0004  
Email: kkleibac@opm.gov

**RIN:** 3206-AI64

### 3831. FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM: PAYMENT OF PREMIUMS FOR PERIODS OF LEAVE WITHOUT PAY OR INSUFFICIENT PAY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8913

**CFR Citation:** 5 CFR 890

**Legal Deadline:** None

**Abstract:** Regulations that establish a requirement that Federal agencies counsel employees entering nonpay status, or whose pay is insufficient to cover their FEHB premium payments, of the options of continuing or terminating their FEHB coverage, and if continuing, of paying premiums directly on a current basis or incurring a debt to be withheld from future salary. These regulations are intended to ensure employees are fully aware of these alternatives.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/22/96	61 FR 37807

Action	Date	FR Cite
Second Interim Final Rule	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mary Ann Mercer, Retirement and Insurance Services, Insurance Policy and Information Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0004  
Email: mamercer@opm.gov

**RIN:** 3206-AG66

### 3832. FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM: EFFECTIVE DATES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8913

**CFR Citation:** 5 CFR 890

**Legal Deadline:** None

**Abstract:** This proposed regulation would adopt January 1 as the effective date for all open season enrollment changes and new enrollment in the Federal Employees' Health Benefits Program.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/98	63 FR 46180
NPRM Comment Period End	09/30/98	
Final Action	08/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jay D. Fritz, Retirement and Insurance Service, Insurance Policy and Information Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0004  
Email: jdfritz@opm.gov

**RIN:** 3206-AI37

### 3833. IMPLEMENTATION OF PREMIUM CONVERSION FOR EXECUTIVE BRANCH FEDERAL EMPLOYEES PARTICIPATING IN THE FEDERAL EMPLOYEES' HEALTH BENEFITS (FEHB) PROGRAM

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** 26 USC 125

**CFR Citation:** 5 CFR 890

**Legal Deadline:** None

**Abstract:** At the President's direction, the Office of Personnel Management (OPM) issued regulations under the Federal Employees' Health Benefits (FEHB) Program to enable employees of all Executive Branch agencies to pay their share of FEHB premiums with pre-tax dollars in accordance with section 125 of the Internal Revenue Code. OPM simultaneously amended salary allotment regulations at 5 CFR 550, because employees participating in premium conversion must allot a portion of salary to their employing agency that agencies then use to pay the employee share of FEHB premiums. The regulations establish the basic rules under which premium conversion will operate beginning in October 2000.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/19/00	65 FR 44644
Interim Final Rule Effective	09/18/00	
Final Action	07/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Abby L. Block, Chief, Insurance Policy Division, Retirement and Insurance Group, Office of Personnel Management, Office of Insurance Programs, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0191

**RIN:** 3206-AJ17

## OFFICE OF PERSONNEL MANAGEMENT (OPM)

## Long-Term Actions

**3834. FEDERAL EMPLOYMENT PRIORITY CONSIDERATION FOR THE DISTRICT OF COLUMBIA EMPLOYEES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-33**CFR Citation:** 5 CFR 330**Legal Deadline:** None**Abstract:** Requires agencies to accord priority consideration to displaced District of Columbia, Department of Corrections employees separated as a result of the closure of the Lorton Correctional complex.**Timetable:**

Action	Date	FR Cite
NPRM	08/04/98	63 FR 41387
Interim Final Rule	01/22/01	66 FR 6427
Interim Final Rule	01/22/01	

Effective

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jacqueline Yeatman, Employment Service, Workforce Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0960  
Fax: 202 606-2329**RIN:** 3206-AI28**3835. REEMPLOYMENT PRIORITY LIST****Priority:** Other Significant**Legal Authority:** 5 USC 1315; 5 USC 8151**CFR Citation:** 5 CFR 330, subpart B**Legal Deadline:** None**Abstract:** The Office of Personnel Management is proposing regulations covering the operation and administration of the Reemployment Priority List (RPL). The RPL provides competitive service employees, separated by reduction in force, with the first opportunity for reemployment in their former agency over candidates who do not work for the agency. The RPL also provides the same priority to former employees who were separated or downgraded because of a compensable injury or disability and have fully recovered more than one year after compensation began. These proposed regulations would update

RPL procedures in order to assist agencies in providing displaced employees with maximum reemployment opportunities.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jacqueline Yeatman, Employment Service, Workforce Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-0960  
Fax: 202 606-2329**RIN:** 3206-AI34**3836. PERFORMANCE MANAGEMENT REFORM INITIATIVES****Priority:** Other Significant**Legal Authority:** 5 USC 43; 5 USC 45**CFR Citation:** 5 CFR 430; 5 CFR 451**Legal Deadline:** None**Abstract:** Regulatory changes to comply with a legislative initiative focused on aligning employee performance with organizational goals and maintaining individual accountability.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Barbara Colchao, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Performance Compensation and Systems Design, 1900 E Street NW, Washington, DC 20415  
Phone: 202 606-2720  
Email: bwcolcha@opm.gov**RIN:** 3206-AF57**3837. PERSONNEL SECURITY AND RELATED PROGRAMS****Priority:** Other Significant**Legal Authority:** 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577**CFR Citation:** 5 CFR 732**Legal Deadline:** None**Abstract:** With the abolishment in December 1993 of the Federal

Personnel Manual (FPM), certain policies and procedures enunciated in the FPM must be considered for publication in another format. Since all of these policies and procedures are important to continued program operations, they will be incorporated in the Code of Federal Regulations. The Office of Management and Budget (OMB) has determined that these regulations are significant and require OMB review prior to publication. However, we see no significant issues arising from implementation of these changes.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/23/91	56 FR 18650
Interim Final Rule	09/16/94	59 FR 47527
Interim Final Rule	10/17/94	

Effective Date

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Richard A. Ferris, Associate Director, Investigations Service, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415-4000  
Phone: 202 606-1042**RIN:** 3206-AC21**3838. INVESTIGATIONS****Priority:** Other Significant**Legal Authority:** PL 93-579; 5 USC 552a**CFR Citation:** 5 CFR 736**Legal Deadline:** None**Abstract:** With the abolishment in December 1993 of the Federal Personnel Manual (FPM), certain policies and procedures enunciated in the FPM must be considered for publication in another format. Since all of these policies and procedures are important to continued program operations, they will be incorporated in the Code of Federal Regulations. The Office of Management and Budget (OMB) has determined that these regulations are significant and require OMB review prior to publication. However, we foresee no significant issues arising from implementation of these changes.

## OPM

## Long-Term Actions

## Timetable:

Action	Date	FR Cite
Interim Final Rule	04/23/91	56 FR 18650
Begin Review	10/01/93	
Interim Final Rule	09/16/94	59 FR 47527
Next Action Undetermined		

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

**Agency Contact:** Richard A. Ferris,  
Associate Director, Investigations  
Service, Office of Personnel

Management, 1900 E Street NW,  
Washington, DC 20415-4000  
Phone: 202 606-1042

RIN: 3206-AB92

## OFFICE OF PERSONNEL MANAGEMENT (OPM)

## Completed Actions

## 3839. PERSONNEL RECORDS

Priority: Substantive, Nonsignificant

CFR Citation: 5 CFR 293

## Completed:

Reason	Date	FR Cite
Withdrawn	02/09/01	

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

**Agency Contact:** Linda Brick

Phone: 202 606-1126

Fax: 202 606-1719

Email: lmbrick@opm.gov

RIN: 3206-AH24

Government Levels Affected: None

**Agency Contact:** Paul Shields

Phone: 202 606-2858

Fax: 202 606-0824

Email: payleave@opm.gov

RIN: 3206-AJ07

Email: cicorrea@opm.gov

RIN: 3206-AJ22

3840. INTERGOVERNMENTAL  
PERSONNEL ACT (IPA) MOBILITY  
PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 5 CFR 334

## Completed:

Reason	Date	FR Cite
Withdrawn	02/09/01	

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

**Agency Contact:** Anthony Ryan

Phone: 202 606-1181

Fax: 202 606-3577

Email: ajryan@opm.gov

RIN: 3206-AJ29

3842. PREVAILING RATE SYSTEMS;  
MISCELLANEOUS CHANGES TO  
CERTAIN FEDERAL WAGE SYSTEM  
WAGE AREAS

Priority: Substantive, Nonsignificant

CFR Citation: 5 CFR 532

## Completed:

Reason	Date	FR Cite
Final Action	10/27/00	65 FR 64337
Final Action Effective	11/27/00	

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

**Agency Contact:** Chenty I. Carpenter

Phone: 202 606-2848

Fax: 202 606-4264

Email: cicorrea@opm.gov

RIN: 3206-AJ21

3844. PREVAILING RATE SYSTEMS;  
REDEFINITION OF THE LOS  
ANGELES, CALIFORNIA (CA),  
APPROPRIATED FUND WAGE AREA

Priority: Substantive, Nonsignificant

CFR Citation: 5 CFR 532

## Completed:

Reason	Date	FR Cite
Final Action	12/19/00	65 FR 79305
Final Action Effective	01/18/01	

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

**Agency Contact:** Chenty I. Carpenter

Phone: 202 606-2848

Fax: 202 606-4264

Email: cicorrea@opm.gov

RIN: 3206-AJ23

3841. LOCALITY PAY AREAS FOR  
2001

Priority: Substantive, Nonsignificant

CFR Citation: 5 CFR 531

## Completed:

Reason	Date	FR Cite
Final Action	12/01/00	65 FR 75153
Final Action Effective	01/01/01	

Regulatory Flexibility Analysis  
Required: No3843. PREVAILING RATE SYSTEMS;  
ABOLISHMENT OF THE  
PHILADELPHIA, PENNSYLVANIA (PA),  
SPECIAL WAGE SCHEDULE FOR  
PRINTING POSITIONS

Priority: Substantive, Nonsignificant

CFR Citation: 5 CFR 532

## Completed:

Reason	Date	FR Cite
Final Action	12/19/00	65 FR 79306
Final Action Effective	01/18/01	

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

**Agency Contact:** Chenty I. Carpenter

Phone: 202 606-2848

Fax: 202 606-4264

3845. ABOLISHMENT OF THE ST.  
LOUIS, MISSOURI (MO),  
APPROPRIATED FUND, PRINTING  
AND LITHOGRAPHIC SPECIAL  
SCHEDULE

Priority: Substantive, Nonsignificant

CFR Citation: 5 CFR 532

## Completed:

Reason	Date	FR Cite
Interim Final Rule Effective	10/16/00	
Final Action	12/19/00	65 FR 79305
Final Action Effective	01/18/01	

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

**Agency Contact:** Chenty I. Carpenter

Phone: 202 606-2848

Fax: 202 606-4264

Email: cicorrea@opm.gov

RIN: 3206-AJ24

## OPM

## Completed Actions

**3846. REPAYMENT OF STUDENT LOANS****Priority:** Other Significant**CFR Citation:** 5 CFR 537**Completed:**

Reason	Date	FR Cite
Final Action	01/11/01	66 FR 2790
Final Action Effective	04/12/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Mike Mahoney

Phone: 202 606-0830

Fax: 202 606-0023

**RIN:** 3206-AJ12**3847. SEVERANCE PAY: MISCELLANEOUS****Priority:** Other Significant**CFR Citation:** 5 CFR 550, subpart G**Completed:**

Reason	Date	FR Cite
Withdrawn	02/13/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** D. Bryce Baker

Phone: 202 606-2858

Fax: 202 606-0824

Email: payleave@opm.gov

**RIN:** 3206-AH12**3848. SUITABILITY****Priority:** Other Significant**CFR Citation:** 5 CFR 731**Completed:**

Reason	Date	FR Cite
Final Action	12/28/00	65 FR 82239
Final Action Effective	03/30/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Richard A. Ferris

Phone: 202 606-1042

**RIN:** 3206-AC19**3849. FEDERAL EMPLOYEES' HEALTH AND COUNSELING PROGRAMS****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 792**Completed:**

Reason	Date	FR Cite
Withdrawn	02/14/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Frank T. Cavanaugh

Phone: 202 606-1166

Email: ftcavana@opm.gov

**RIN:** 3206-AI07**3850. APPOINTMENT, PAY, AND REMOVAL OF ADMINISTRATIVE LAW JUDGES****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 930**Completed:**

Reason	Date	FR Cite
Withdrawn	10/26/00	65 FR 64168

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Raymond A. Limon

Phone: 202 606-0810

**RIN:** 3206-AI08

[FR Doc. 01-5199 Filed 05-11-01; 8:45 am]

**BILLING CODE** 6325-01-S

